

Appl. No. 10/668,172
Amendment dated: March 24, 2006
Reply to OA of: October 24, 2005

REMARKS

Applicants have amended the claims to more particularly define the invention taking into consideration the outstanding Official Action. The reference to the convex lens in claim 5 has been deleted in view of the previous amendment removing this aspect from claim 3. This amendment is believed to obviate the objection to claim 5 and this objection should be withdrawn. Applicants most respectfully submit that all the claims now present in the application are in full compliance with 35 U.S.C. §112 and are clearly patentable over the references of record.

Reconsideration of the present patent application is respectfully requested in view of the following remarks.

The rejection of claims 1-3, 5, 7 and 9 under 35 U.S.C. 103(a) as being unpatentable over Drain et al., in view of Wang, and Takahashi et al. has been carefully considered but is most respectfully traversed.

Applicants believe there are several differences between the present application and the three cited references cited by the Examiner which render the claimed invention unobvious to one of ordinary skill in the art.

Applicants wish to direct the Examiner's attention to the basic requirements of a *prima facie* case of obviousness as set forth in the MPEP § 2143. This section states that to establish a *prima facie* case of obviousness, three basic criteria first must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

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Section 2143.03 states that all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicants also most respectfully direct the Examiner's attention to MPEP § 2144.08 (page 2100-114) wherein it is stated that Office personnel should consider all rebuttal argument and evidence presented by applicant and the citation of *In re Soni* for error in not considering evidence presented in the specification.

Regarding the first cited reference Drain et al., the differences between this reference and the presently claimed invention is that Drain et al. uses the SMOLED type light source or the PLED type light source, which are both "area-type light source" with homogeneously distributed light intensity. This means there is no requirement for the cooperating light modulation structure (such as panel 16 in FIG. 7) of the first cited reference to have the function to "diffuse" the light passing through it. Hence, the light modulation structure of the first cited reference can only concentrate the light coming from the homogenous area light source.

On the contrary, the light source used in the presently claimed invention is a "line-type light source", which is not a light source with homogeneously distributed light intensity, especially in certain directions. Therefore, the cooperating composite micro-structured sheet of the presently claimed invention must be able to not only concentrate the light, but also to diffuse the light.

In fact, the presently claimed composite micro-structured sheet first diffuses the light coming from the light source when the light enters the bottom surface of the composite micro-structured sheet, and it concentrates the light before the light leaves the top surface of the composite micro-structured sheet.

In summary, no matter what kind of pattern is positioned on the top surface and/or the bottom surface of the light modulation structure of the first cited reference,

the light modulation structure thereof (such as panel 16 in FIG. 7) can only concentrate the light passing through it. Hence, it is obviously different from the composite micro-structured sheet of the presently claimed invention as would be appreciated by one of ordinary skill in the art to which the invention pertains.

With regard to the second reference cited, Wang et al., the differences between this reference and the presently claimed invention are as described in the abstracts of the Wang et al.. Specifically, the microstructure set formed on the surface of the optical body has at least two kinds microstructure reliefs. Moreover, at least one of the microstructure reliefs has a configuration different from another one of the microstructure reliefs. That is, there are at least two kinds of microstructure formed on the surfaces of the optical body of the second cited reference.

On the contrary, there is only one kind of microstructure formed on the top surface (or the bottom) surface of the substrate of the composite micro-structured sheet of the presently claimed invention. As described in claim 1 of the presently claimed invention, a plurality of straight trenches with an arc cross-section is formed on the on the bottom surface of the substrate for diffusing the light, and a plurality of triangular-type protrusions is formed on the top surface of the substrate for concentrating the light.

There is no motivation to modify the teachings of the primary reference to obtain the results of the presently claimed invention, absent applicants' disclosure which may not be used as a teaching reference. In re Fritch, 23 USPQ 1780, 1784(Fed Cir. 1992) ("It is impermissible to engage in hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps.).

Regarding the third reference Takahashi et al., the differences between this reference and the presently claimed invention are the "arcuate prism 1" of Takahashi et al. is used in a "rear projection screen apparatus", not a LCD display device. Besides, the arcuate prism, as shown in FIGs. 11 and 12 of the Takahashi reference is used to modulate the "image" passing through it, so as to reduce the extent of the undesirable "image distortion" of the image displayed on the screen. Hence, the arcuate prism of

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the Takahashi et al. reference cannot "diffuse" the image passing through it. In fact, it can only "modulate" some aspects of the image, such as the shape or the focus point of the image.

On the contrary, the composite micro-structured sheet of the presently claimed invention is positioned between the "line-type light source" and the image-producing element, such as the LCD panel. Therefore, the light leaving the top surface of the composite micro-structured sheet of the present patent application is not even an image. It is only a light with a homogeneous distributed light intensity. The light will then form an image after it passing through the LCD panel.

As a result, although the shape of the arcuate prism of the Takahashi et al. reference is similar to that of the composite micro-structured sheet of the present patent application, the function of the arcuate prism of the Takahashi reference is different and unobvious from that of the composite micro-structured sheet of the present patent application. Accordingly, it is most respectfully requested that this rejection be withdrawn.

In view of the above comments and further amendments to the claims favorable reconsideration of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,
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